

Cabinet Report



Report of Head of Policy and Programmes

Author: Emma Wright

Telephone: 01235 422600

E-mail: emma.wright@southandvale.gov.uk

Wards affected: All Wards

Cabinet member responsible: Councillor Debby Hallett

Tel: 07545 241013

E-mail: debby.hallett@southandvale.gov.uk

To: CABINET

Date: 3 December 2021

Local Plan Part 1 Review

Recommendations

- (a) That Cabinet approve for publication the Regulation 10A review of Local Plan Part 1 policies.
- (b) To authorise the Head of Policy and Programmes for Vale of White Horse District Council, in consultation with the Cabinet Member for Corporate Services and Transformation, to make any minor amendments, if required, to the Local Plan Part 1 Review, prior to publication.

Purpose of Report

1. To seek approval of a review of policies in Vale of White Horse Local Plan Part 1 (Appendix 1), in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Corporate Objectives

2. These documents help to meet Vale's Corporate Plan 2020-2024 Objectives by reviewing Local Plan Part 1's policies, many of which are related directly to these Objectives.
3. The key Corporate Objectives met through this analysis are:
 - *Providing the homes people need* – Core Policy 2: Cooperation on Unmet Housing Need for Oxfordshire; Core Policy 4: Meeting Our Housing Needs; Core Policy 8: Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area; Core Policy

15: Spatial Strategy for South East Vale Sub-Area; Core Policy 20: Spatial Strategy for Western Vale Sub-Area; Core Policy 22: Housing Mix; Core Policy 23: Housing Density; Core Policy 24: Affordable Housing; and Core Policy 26: Accommodating Current and Future Needs of the Ageing Population.

- *Tackling the Climate Emergency* - Core Policy 41: Renewable Energy, Core Policy 42: Flood Risk; and Core Policy 40: Sustainable Design and Construction.
- *Building healthy communities* – Core Policy 35: Promoting Public Transport, Cycling and Walking; and Core Policy 41: Renewable Energy.
- *Working in partnership* – Core Policy 2: Cooperation on Unmet Housing Need for Oxfordshire; Core Policy 12: Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area; Core Policy 17: Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area; Core Policy 18: Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area; Core Policy 19: Re-opening of Grove Railway Station; Core Policy 21: Safeguarding of Land for Strategic Highway Improvements within the Western Vale Sub-Area; Core Policy 33: Promoting Sustainable Transport and Accessibility; Core Policy 34: A34 Strategy; Core Policy 35: Promoting Public Transport, Cycling and Walking; Core Policy 36: Electronic Communications; and Core Policy 39: The Historic Environment.

Background

4. Legislation confirms that Local Plan reviews must be completed five years from the date of adoption – this ensures plans remain effective. For example, Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) states that:

‘10A. (1) A local planning authority must review a local development document within the following time periods — **(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan**, in accordance with section 23 of the Act (adoption of local development documents)’.

5. The Government’s planning policy in the National Planning Policy Framework (NPPF), Paragraph 33, also states:

‘Policies in local plans and spatial development strategies should be **reviewed to assess whether they need updating at least once every five years** and should then be updated as necessary. **Reviews should be completed no later than five years from the adoption date of a plan** and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future’.

6. The Local Plan 2031 Part 1: Strategic Sites and Policies (LPP1) was adopted on 14 December 2016. It set out the development strategy and key strategic policies for the district, including the need for housing, employment and infrastructure required to support development up to 2031. Its spatial strategy makes provision for growth of

around 23,000 new jobs, 218 hectares of employment land and at least 20,560 new homes, to be delivered during the plan period from 2011 to 2031.

7. To complement LPP1, Local Plan 2031 Part 2: Detailed Policies and Additional Sites (LPP2) was adopted on 9 October 2019 and set out:

- policies and locations for new housing to meet the Vale's proportion of Oxford City's unmet housing need, which cannot be met within the City boundaries;
- policies for the part of Didcot Garden Town that lies within the Vale of White Horse District;
- detailed development management policies that complement the strategic policies as set out in the Part 1 Plan, and where appropriate, replace the remaining saved policies of the Local Plan 2011; and
- additional site allocations for housing.

8. As LPP1 was adopted on 14 December 2016, it should be reviewed by December 2021 to comply with Regulation 10A. As LPP2 was adopted on 9 October 2019, it will require a review by October 2024.

9. A Regulation 10A review has therefore been prepared (see Appendix 1 and 2). This evaluates LPP1's policies for their consistency with national policy, considers current evidence and any relevant changes in local circumstances, and concludes with red/amber/green (RAG) rating regarding their status. Where policies are intertwined, supplemented or have already been superseded by LPP2 policies, this has been indicated in the policy review table.

10. Each LPP1 Policy has been considered against the new NPPF (published 2021), current evidence and local circumstances information, such as the Annual Monitoring Report and planning appeal decisions, as well as the information highlighted in the Government's Planning Practice Guidance (PPG). The PPG recommends the following information for authorities to consider when determining whether a plan or policies within a plan should be updated. Such information includes:

- conformity with national planning policy;
- changes to local circumstances, such as a change in Local Housing Need;
- their Housing Delivery Test performance;
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- the impact of changes to higher tier plans;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
- significant economic changes that may impact on viability; and
- whether any new social, environmental or economic priorities may have arisen.

11. It is important to note that policies 'age' at different rates, which is why a RAG rating has been provided for each policy. Some may require little or no change, whereas others, often due to change in national policy, may overall be consistent but await new evidence from the Joint Local Plan and/or Oxfordshire Plan 2050 (see paragraphs 13-15 for further details). A red RAG rating would indicate that a policy (or part of the policy) is inconsistent with national policy and current evidence and/or changes in local circumstances indicate that the policy (or part of the policy) requires updating via the Joint Local Plan / Oxfordshire Plan 2050.
12. A good example of policies 'ageing' is Core Policy 24: Affordable Housing. There has been a national policy development in 2021 with the announcement of a new form of Affordable Homes - First Homes. The introduction of First Homes, through the [Written Ministerial Statement](#) means that 25% of all affordable housing delivered on a major development should be First Homes. The majority of Local Plans in the country are yet to address these, so the Council will shortly be providing a First Homes interim note to help housing providers and developers address this development, to supplement Core Policy 24. Policy CP24 has therefore been RAG rated as amber, as the policy's overall approach to affordable housing is otherwise largely consistent with the NPPF and the First Homes briefing note will be a useful interim tool for the use of providers and developers.
13. LPP1 (and LPP2) will be replaced in due course by two new plans, the preparation of which is already underway. The Council has previously agreed to an overall review of LPP1 and LPP2 - via the commitment to the preparation of a Joint Local Plan, in partnership with South Oxfordshire District Council - and also through the preparation of the Oxfordshire Plan 2050 (a joint spatial plan for all Oxfordshire district authorities). The decision to prepare a Joint Local Plan and to approve a new [Joint Local Development Scheme](#) was made at [Vale of White Horse District Council Meeting](#) on 24 March 2021.
14. The Council's commitment to preparing the Oxfordshire Plan 2050 (a Joint Strategic Spatial Plan (JSSP)) came through the Oxfordshire Housing and Growth Deal and includes all Oxfordshire Districts and Oxford City Council. This document will become part of the Development Plan following its Examination in Public and once the Councils adopt it.
15. In effect, the work that has commenced on the Joint Local Plan has already put into motion a review of policies in LPP1, LPP2 and the South Oxfordshire Local Plan. This statutory Regulation 10A review of LPP1 helps contribute to ongoing Joint Local Plan policy analysis and development.

Options

16. There are two options to consider regarding this review:

Option 1: Approve the Local Plan Part 1 Review for publication in December 2021.

This action would comply with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Option 2: Not to approve the Local Plan Part 1 Review for publication.

This option is not recommended, as providing a five-year local plan policies review is a statutory requirement. Should the review not be published, Vale of White Horse District Council would not be meeting a national requirement, and this could additionally result in an increase of planning appeals or the potential for a Judicial Review.

Climate and ecological impact implications

17. The LPP1 Review has no direct climate or ecological impact. It does, however, reference all Local Plan policies that have a direct or indirect link to climate and ecological impacts and the review considers their consistency with National Policy, current evidence and any changes in local circumstances. For ease of reference, the policies in the LPP1 Review (Appendix 1) that have direct links to climate and ecological impacts are: Core Policy 13: The Oxford Green Belt; Core Policy 14: Strategic Water Storage Reservoirs; Core Policy 33: Promoting Sustainable Transport and Accessibility; Core Policy 35: Promoting Public Transport, Cycling and Walking; Core Policy: Sustainable Design and Construction; Core Policy: 41: Renewable Energy; Core Policy 42: Flood Risk; Core Policy 43: Natural Resources; Core Policy 44: Landscape; Core Policy 45: Green Infrastructure; and Core Policy 46: Conservation and Improvement of Biodiversity.

Financial and Legal Implications / Risks

18. The financial and legal implications/risks to this review can be described simultaneously.

19. There are no direct financial implications to the review itself. The review has been conducted in-house and within existing budgets. However, failure to publish a review in 2021 could result in an increase in the number of planning appeals being upheld and the associated costs being awarded to the appellants. There could also be a risk of Judicial Review, with high costs associated with this.

Conclusion

20. The Regulation 10A Review of policies shows that five years on LPP1, (together with LPP2) continues to provide a development plan for Vale of White Horse that applies a presumption in favour of sustainable development, and is in overall conformity with the NPPF (including the most recent published in 2021). See Appendix 1 and 2 for details of those policies where local circumstances indicate that policies require updating.

21. An important conclusion of the assessment is that the housing requirement of Core Policy 4 requires updating. This means that, until a new housing requirement is adopted in a new local plan (such as the Oxfordshire Plan 2050), the council will revert to its local housing need figure for calculating its housing land supply. This is an annual target of 636 dwellings per annum, although this figure changes year on year based on the latest household projections and affordability ratios for the district.

22. However, the housing requirement in Core Policy 4 was supplemented by an additional 2,200 homes to help address Oxford's unmet housing need within LPP2. This equated to 183 dwellings per annum between the plan's adoption in 2019, and the plan's end date in 2031. This policy is less than 5 years old, and so has not been subject to a review. The housing requirement for the district will therefore now be 819 dwellings per annum (636 + 183).

23. Plan-making is already underway, and this LPP1 review shows no further action is indicated beyond the development plans already in motion. Vale of White Horse District Council is committed to and is working towards the adoption of a Joint Local Plan, with adoption in 2024. The Joint Local Plan provides the opportunity to create new policies for the period to 2041, with policies appropriately supported by robust and up to date evidence. The Council is also committed to the Oxfordshire-wide joint working on the Oxfordshire Plan 2050, which is planned for adoption in 2023.
24. By formally publishing the Local Plan Part 1 Review, the Council will have met their statutory duty under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Background Papers

- Appendix 1 – Local Plan Part 1 Review
- Appendix 2 – Assessment of Housing Requirement